

REMARKS

In the Official Action dated June 14, 2004, the Examiner rejected claims 1-28 under 35 U.S.C. § 102(b) as being “clearly anticipated” by Nelson (US Patent No. 6,641,087).

For the reasons set forth below, Applicant traverses this rejection and respectfully requests reconsideration in view of the remarks herein.

Response to Rejections under 35 U.S.C. § 102(b) (Nelson)

The Examiner rejected claims 1-28 under 35 U.S.C. § 102(b) as being anticipated by Nelson. As an initial matter, only claims 1-11, and 13-28 are currently pending, as claim 12 was previously cancelled. Applicant respectfully points out that the present application is entitled to domestic priority under 35 U.S.C. § 120: as stated on the first page of the application and on the application data sheet, priority is claimed to U.S. Provisional Application No. 60/318,984, entitled “EMERGENCY FLIGHT CONTROL SYSTEM,” filed on September 12, 2001 by James P. Conner, the inventor of the present application. Applicant notes that the Examiner previously rejected the claims over the Gardner reference, but has now withdrawn that rejection after Applicant pointed to the priority date of September 12, 2001 to which this application is entitled.

Similar to the Gardner patent for which the rejection has been withdrawn, because Nelson has a filing date of October 9, 2001 and Applicant is entitled to a priority date of September 12, 2001, Nelson is not prior art under 35 U.S.C. § 102(b) or even 102(a). Applicant therefore requests that the rejection under Nelson be removed.

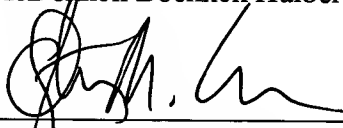
CONCLUSION

In light of the foregoing, Nelson is not a proper prior art reference under 35 U.S.C. § 102(a) or 102(b), and therefore does not anticipate any of the pending claims. Applicant therefore submits

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that pending claims 1-11, and 13-28 are now in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner feel that a telephone conference would be useful, he is invited to telephone the undersigned at any time at (312) 913-2131.

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Respectfully submitted,
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